

ROBERT E. SCHROTH, SR, ESQ. (SBN 103063)
2044 First Avenue, Suite 200
San Diego, California 92101
Telephone: (619) 233-7521
Facsimile: (619) 233-4516

Attorney for Defendant: RICARDO HERRERA-ARTEAGA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

(Hon. William Q. Hayes)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICARDO HERRERA-ARTEAGA,

Defendant.

Criminal Case No.: 08cr1694 - WQH
Magistrate Case No.: 08mj1338

**NOTICE OF DEFENSE OF INSANITY
AND/OR DIMINISHED CAPACITY AND
EXPERT TESTIMONY OF
DEFENDANT'S MENTAL CONDITION**

Date: July 7, 2008
Time: 2:00 p.m.
Judge: Hon. William Q. Hayes

**TO UNITED STATES ATTORNEY KAREN P. HEWITT, ASSISTANT UNITED
STATES ATTORNEY CAROLINE HAN:**

Pursuant to Federal Rule of Criminal Procedure 12.2(a) and/or (b), the defendant,
Ricardo Herrera-Arteaga, hereby notifies the attorney for the government of the possibility of
introducing expert testimony relating to a mental disease, defect, or any other mental condition
of the defendant bearing upon the issue of guilt.

Respectfully Submitted this 8th day of July, 2008.

SCHROTH & SCHROTH

By: /s/ Robert Schroth Sr.
ROBERT E. SCHROTH, Sr.
Attorney for Defendant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 2 -

NOTICE OF DEFENSE OF INSANITY AND/OR DIMINISHED CAPACITY

U. S. v. HERRERA-ARTEAGA.

1 Re: USA v. Herrera-Arteaga
2 Criminal Case No: 08cr1694-WQH

3 **PROOF OF SERVICE BY MAIL**

4 **STATE OF CALIFORNIA COUNTY OF SAN DIEGO**

5 I am employed in San Diego, California; I am over the age of eighteen years and am
6 not a party to this action; my business address is 2044 First Avenue, Suite 200, San Diego,
CA 92101.

7 On July 8, 2008, I served the following document(s) described as:

8 **NOTICE OF DEFENSE OF INSANITY AND/OR DIMINISHED CAPACITY AND
9 EXPERT TESTIMONY OF DEFENDANT'S MENTAL CONDITION**

10 On the interested parties to this action by efile service:

11 Karen P. Hewitt
12 United States Attorney,
13 Caroline Han
Assistant United States Attorney
Federal Office Building
880 Front Street, Room 6293
San Diego, California 92101

14 I am "readily familiar" with the firm's practice of collection and processing correspondence
15 for mailing. Under that practice it would be deposited with the U.S. Postal service on that
16 same day with postage thereon fully prepaid at San Diego, California in the ordinary course
17 of business. I am aware that on motion of the party served, service is presumed invalid if
postal cancellation date or postage meter date is more than one day after date of deposit for
mailing in affidavit.

18 I declare under penalty of perjury under the laws of the State of California that the
19 above is true and correct.

20 s/ Robert E. Schroth Sr.
21 Robert E. Schroth Sr.
22
23
24
25
26